

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re:

Casey Marie Anthony,

Debtor.

Case No. 8:13-bk-00922-KRM
Chapter 7

OBJECTION OF ROY KRONK TO DEBTOR'S CLAIM OF EXEMPTIONS

NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING

PURSUANT TO LOCAL RULE 2002-4, THE COURT WILL CONSIDER THIS MOTION, OBJECTION OR OTHER MATTER WITHOUT FURTHER NOTICE OR HEARING UNLESS A PARTY IN INTEREST FILES AN OBJECTION WITHIN TWENTY-ONE (21) DAYS FROM THE DATE THIS PAPER IS ENTERED ON THE DOCKET. IF YOU OBJECT TO THE RELIEF REQUESTED IN THIS PAPER, YOU MUST FILE YOUR OBJECTION WITH THE CLERK OF COURT AT SAM M. GIBBONS UNITED STATES COURTHOUSE, 801 N. FLORIDA AVENUE, SUITE 555, TAMPA, FLORIDA 33602, AND SERVE A COPY ON THE FOLLOWING PARTIES: MICHAEL A. NARDELLA, ESQ., BURR & FORMAN LLP, COUNSEL FOR ROY KRONK, 200 S. ORANGE AVENUE, #800, ORLANDO, FL 32801; DAVID L. SCHRADER, ESQ., COUNSEL FOR DEBTOR, 111 SECOND AVENUE NE, SUITE 911, ST. PETERSBURG, FL 33701; STEPHEN MEININGER, CHAPTER 7 TRUSTEE, 707 NORTH FRANKLIN STREET, SUITE 850, TAMPA, FL 33602; AND OFFICE OF THE U.S. TRUSTEE, 501 E. POLK STREET, SUITE 1200, TAMPA, FL 33602.

IF YOU FILE AND SERVE AN OBJECTION WITHIN THE TIME PERMITTED, THE COURT MAY SCHEDULE A HEARING AND YOU WILL BE NOTIFIED. IF YOU DO NOT FILE AN OBJECTION WITHIN THE TIME PERMITTED, THE COURT WILL CONSIDER THAT YOU DO NOT OPPOSE THE GRANTING OF THE RELIEF REQUESTED IN THE PAPER, WILL PROCEED TO CONSIDER THE PAPER WITHOUT FURTHER NOTICE OR HEARING, AND MAY GRANT THE RELIEF REQUESTED.

COMES NOW, ROY KRONK ("Roy Kronk"), a creditor and party-in-interest, by and through his undersigned counsel, and hereby objects to Debtor's claim of exemptions, and states in support thereof the following:

1. On January 25, 2013, the Debtor filed a Chapter 7 Voluntary Petition (the “Petition”). The §341 meeting of creditors was held and concluded on March 4, 2013; therefore, this objection is timely filed pursuant to Fed. R. Bankr. P. 4003(b).

2. The Debtor listed personal property on Schedule B with an approximate value of \$1,084.00¹ (Doc. 1) and claimed all the property as exempt on Schedule C (Doc. 1) pursuant to Fla. Const. art. X §(a)(2) or Fla. Stat. Ann. § 222.25(4) (“Personal Property Exemption”).

3. Upon information and belief, it appears that there may be misstatements on the Debtor’s schedules regarding her assets.

4. Roy Kronk objects to the Personal Property Exemption and believes that discovery will show that the property claimed as exempt has a value in excess of the Florida Constitutional limit of \$4,000.00 for a debtor not claiming the Homestead Exemption. Additionally, Roy Kronk further believes that discovery may show the existence of additional assets not reported on the Debtor’s schedules.

5. On March 20, 2013, the Chapter 7 Trustee filed a notice with the Court indicating that he recovered assets in this case and fixing the deadline for creditors to file a proof of claim (Doc. 38).

WHEREFORE, Roy Kronk respectfully requests that this Court enter an Order (a) sustaining this Objection to Debtor’s claim of exemptions as to the value of the Personal Property claimed; (b) limiting the Debtor’s exemptions allowed by the Florida Constitution and Chapter 222, Florida Statutes; and (c) for such other and further relief as this Court deems just and appropriate.

¹ On Schedule B, the Debtor listed her interest in a 2011 and 2012 tax refund as “unknown” and claimed 100% exempt on Schedule C pursuant to Fla. Const. art. X §(a)(2). (Doc. 1).

Dated this 3rd day of April, 2013.

Respectfully submitted,

/s/ Michael A. Nardella

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ATTORNEYS FOR ROY KRONK

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was furnished via electronic mail using the Court's CM/ECF system and/or via First Class U.S. Mail on the 3rd day of April 2013 to: Debtor: Casey Marie Anthony, c/o Charles M. Greene, Esq., 55 E. Pine Street, Orlando, FL 32801; Debtor's Counsel: David L. Schrader, Esq., 111 Second Avenue, N.E., Suite 911, St. Petersburg, FL 33701; Chapter 7 Trustee: Stephen L. Meininger, 707 North Franklin Street, Suite 850, Tampa, FL 33602; Counsel for Chapter 7 Trustee: Allan C. Watkins, Esq., Watkins Law Firm, P.A., 707 N. Franklin Street, Suite 750, Tampa, FL 33602; Office of the U.S. Trustee, 501 East Polk Street (Timberlake Annex), Tampa, FL 33602.

/s/ Michael A. Nardella

Michael A. Nardella, Esq.